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OFFICE OF PETITIONS

In re Application of	:	
Bartholomew et al.	:	
Application No. 09/144,635	:	DECISION ON PETITION
Filed: August 31, 1998	:	
Attorney Docket No. 50107-397	:	

This is decision on the renewed petition filed on April 3, 2006, to withdraw the holding of abandonment or, in the alternative, a petition under 37 CFR 1.137(b). The petition was recently forwarded to the Office of Petitions for a decision on the merits. The Office sincerely apologizes for any inconvenience.

On February 27, 2003, the Office mailed a nonfinal Office action, which set a two-month extendable period for response. In the absence of a timely filed reply, the application became abandoned on May 28, 2003. On September 24, 2003, the Office mailed a Notice of Abandonment.

In the present renewed petition, petitioner asserts that petitioner did not receive the nonfinal Office action of February 27, 2003, due to USPTO error. Specifically, petitioner averred that petitioner submitted an "Associate Power of Attorney & Change of Address," on May 22, 2001; however, the USPTO failed to timely enter the change of correspondence address due to an oversight by the Office. Petitioner states that the USPTO mailed the nonfinal Office action to an incorrect address. Accordingly, petitioner requests that the Office withdraw the holding of abandonment.

A review of the record indicates that the USPTO did not enter the change of correspondence address of May 22, 2001. For this reason, the USPTO mailed the nonfinal Office action to an incorrect correspondence address. The petition to withdraw the holding of abandonment is **granted**. The Notice of Abandonment was mailed in error and is hereby withdrawn. The application is restored to pending status.

As the Office has withdrawn the holding of abandonment, the petition to revive the application is unnecessary. Accordingly, the petition under 37 CFR 1.137(b) is **dismissed** as involving a moot issue. The \$1,500.00 petition fee will be refunded to petitioner's Deposit Account.

This matter is being referred to Technology Center Art Unit 2661.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

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